



# Kentucky Board of Medical Licensure Newsletter

Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222  
Website: [kbml.ky.gov](http://kbml.ky.gov)

Spring 2006

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## KBML 2006 Legislative Update

The 2006 Legislative Session proved to be an eventful experience as the General Assembly considered several issues that pertained to matters under the Kentucky Board of Medical Licensure's jurisdiction.

The Board made some minor adjustments in the Medical Practice Act, which were received quite well by the General Assembly. One of the major provisions of the SB 127 was to make the practice of medicine or osteopathy without a license a Class D Felony instead of a misdemeanor. Also, at the request of the state's medical schools, language regarding the Board's faculty license was broadened to allow the holder to practice at the institution in addition to their teaching duties. However, the new language does not allow license holders to moonlight.

In addition to the Board's own legislative proposal, the General Assembly approved HB 17, which gives the Board the responsibility for certifying acupuncturists. The bill creates an eight member Advisory Council, appointed by the Board, which will consist of two physician members whose practice includes acupuncture and one member of the Board. In the upcoming weeks, the Board will be working on a plan to implement the provisions of the legislation. It is important to note that this is the fourth different allied health group placed under the Board's umbrella along with physician assistants, athletic trainers, and surgical assistants.

The authority of Advanced Registered Nurse Practitioners to prescribe controlled substances was another issue that the Board closely monitored this session. While SB 65 had the widespread support from the General Assembly, the Board remains concerned over the extension of this authority to ARNPs in light of Kentucky's current climate of drug abuse. The bill does provide limits on the amounts that an ARNP can prescribe and also creates a Controlled Substance Formulary Development Committee to identify further limitations for specific controlled substances with the greatest potential of abuse.

In other issues, the General Assembly also approved SB 78, which simply changed the status of physician assistants from certification to licensure. Along with physician assistants, HB 651 was introduced containing major changes to the statutes for athletic trainers.

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## Board Actions Report (Actions taken since 1/1/06)

**Joe T. Broderson, M.D., Lexington, KY, #17771**  
Agreed Order of Surrender entered into 2/21/2006.

**Patrick L. Burba, M.D., Lexington, KY, #29358**  
Order Terminating Second Order Amending Agreed Order of Indefinite Restriction issued 2/13/2006.

**Don V. Bryson, M.D., Paintsville, KY, #20818**  
Order Terminating Agreed Order issued 3/1/06.

**William J. Curtin, M.D., South Williamson, KY, #33543**  
Agreed Order of Revocation, Withheld; Order of Indefinite Restriction entered into 3/2/06.

**Subrata Dey, M.D., Allen, KY, License #33249**  
Agreed Order of Revocation, Stayed; Order of Indefinite Restriction entered into 3/16/06.

**Gregory G. Duma, M.D., Covington, KY, #28974**  
Agreed Order of Indefinite Restriction entered into 3/1/06.

**Anthony C. Enlow, M.D., Danville, KY, #27963**  
Agreed Order entered into 1/19/2006.

**James K. Holbrook, M.D., Morehead, KY, #27278**  
Amended Agreed Order of Indefinite Restriction entered into 3/21/06.

**Patrick M. Jarvis, M.D., Louisville, KY, #34908**  
Agreed Order of Indefinite Restriction entered into 3/14/06.

**Kandhasamy Kannapiran, M.D., Louisville, KY, #39896**  
Agreed Order of Probation entered into 1/18/2006.

**Deepak N. Kapadia, M.D., Madisonville, KY, #34261**  
Amended Agreed Order of Indefinite Restriction entered into 2/1/2006.

**Richard Karrel, M.D., Crestwood, KY, #38508**  
Amended Agreed Order of Indefinite Restriction entered into 3/14/06.

**James M. McGinnis, D.O., Wheelersburg, OH, #02723**  
Agreed Order of Probation entered into 3/1/06.

**Gary L. McMillan, M.D., Paducah, KY, #17992**  
Order Terminating Amended Agreed Order of Revocation, Probation issued 2/13/2006.

**Dan M. Miller, M.D., Murray, Kentucky, #20118**  
Amended Agreed Order of Indefinite Restriction entered into 1/24/2006.

**Umar Murad, M.D., Chavies, KY, #31685**  
Order Terminating Agreed Order issued 3/1/06.

**Emanuel H. Rader, M.D., Pineville, KY, #14827**  
Agreed Order entered into 1/19/2006.

**Mark W. Rukavina, M.D., Berea, KY, #22686**  
Third Amended Agreed Order of Indefinite Restriction entered into 3/1/06.

**Mary Beth Scott-Calor, D.O., Lexington, KY, #02604**  
Order Reinstating Suspended License issued 3/30/06.

**Ruth A. Serneels, M.D., Pineville, KY, #26759**  
Agreed Order of Suspension; Order of Restriction entered into 2/10/2006 followed by Agreed Order of Surrender entered into 3/3/06.

**Restrictions have also been placed on the following physician's license pending resolution of charges brought against the physician.**

**Joseph J. Koenigsmark, D.O., Prospect, KY, #02161**  
Complaint and Emergency Order of Restriction issued 2/17/2006 effective 2/21/06.

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## New Guidelines & Position Statement on Laser Surgery

Over the past year, the Board has been in the process of drafting new guidelines to assist physicians in the use of laser surgery and other dermatology procedures such as skin closures. This has been an extensive process, which included the input of many different individuals. This process has now been completed and guidelines were adopted at the Board's December meeting.

Included in these guidelines is a new position statement on laser surgery and intense pulsed light therapy that may be of interest to many physicians throughout the state. The new guidelines can be found on our website at [www.kbml.ky.gov](http://www.kbml.ky.gov).

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## **Ways To Prevent Having To Appear Before The Board**

The Board is responsible for protecting the health, safety and welfare of the people of the Commonwealth with the goal that all citizens be provided the highest quality health care. In accordance with this protection of the public, all complaints received in the Board's office must be processed. The majority of complaints, after being thoroughly reviewed, are closed without any action being taken. However, some complaints result in the physician being called before the Board, either by the Board's request or for more serious issues, and a disciplinary hearing must then be conducted.

With that being said, there are ways that a physician can prevent having to appear before the Board. The number one way to avoid an appearance is to remain up to date with the rules and regulations in the Medical Practice Act.

Some other simple ways to avoid a Board appearance would be keeping well-documented patient records, being attentive to your patients and, when appropriate, being available for and communicating with, the patient and/or the patient's family.

If the Board receives a complaint letter from a patient, no matter the subject of the complaint, the Board looks to the physician for an explanation. Some other preventive measures would be to have clearly stated policies regarding office procedures, such a scheduling appointments, handling of telephone messages from patients and release of medical records. Be familiar with your office personnel and their attitude and interaction with patients. Remain up to date with current billing methods and insurance procedures. The physician is ultimately responsible for all that transpires in his/her office, everything from the front desk to proper billing.

Sometimes regardless of the treatment provided or actions of the physician, the patient will not be pleased and may file a complaint with the Board. If the physician submits a respectful and complete response to the allegations and provides well-documented medical records, in most instances, the Board will review and close the matter with no action taken. In conclusion, the vast majority of physicians in Kentucky are superb doctors and the citizens of this state should be grateful for them. However, even excellent physicians often times can get caught up in their busy schedules and lives. It is during these busy times that it would be especially wise to take a breath and not forget to be attentive to your patients. Always remember to treat each patient as you would want to be treated.

## **2006 Annual Renewal of Physician Licenses**

Annual renewal of physician licenses for the current year has just been completed. As of April 1, 2006, a total of 12,790 physicians have renewed their medical/osteopathic license. This reflects an increase of 253 over last years total for the same time period. Of the total, 8,656 physicians reported a practice address in Kentucky, reflecting a decrease of 112. It should be noted that of the 12,790 physicians renewing their license 676 are retired and do not maintain a practice address.

## **Human Tissue Recall**

According to information received from the Attorney General's Office, several physicians or practices in Kentucky may have implanted human tissue from Biomedical Tissue Services, Ltd. (BTS) of Fort Lee, New Jersey.

The Food and Drug Administration and the Center for Disease Control have recommended that physicians who have implanted tissue from BTS inform their patients that they may have received tissue from a donor for whom an adequate donor eligibility determination was not performed. The FDA and CDC also recommend that physicians offer to provide patient access to appropriate infectious disease testing.

You can notify the FDA directly of any infectious disease possibly related to a tissue transplant at <http://www.fda.gov/medwatch>.

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**Kentucky Board of Medical Licensure**

**Change of Address Notice**

**Please Note:** The information that you provide on this Change of Address Notice will be used to update your profile on the Board's web site at [kbml.ky.gov](http://kbml.ky.gov).

*(Please Print or Type Information)*

**Date:** \_\_\_\_\_

**KY License Number:** \_\_\_\_\_

**Name:** \_\_\_\_\_  
(last) (first) (m.i.)

**Mailing Address:** \_\_\_\_\_  
(street)

\_\_\_\_\_  
(city) (state) (zip)

**KY Practice County:** \_\_\_\_\_ **Office Telephone:** \_\_\_\_\_

**Practice Address:** \_\_\_\_\_  
(street)

\_\_\_\_\_  
(city) (state) (zip)

**E-Mail Address:** \_\_\_\_\_

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**Kentucky Board of Medical Licensure**

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Louisville, KY 40222

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